

**BEFORE THE
LABOR AND INDUSTRIAL RELATIONS COMMISSION
JEFFERSON CITY, MISSOURI**

Objections to Annual Wage Order No. 16

By Charles E. Jarrell Contracting Company, Inc.

OBJECTOR

RECEIVED

APR - 8 2009

LABOR AND INDUSTRIAL
RELATIONS COMMISSION

COMES NOW Charles E. Jarrell Contracting Company, Inc. ("Jarrell"), by and through its attorneys, Bobroff, Hesse, Lindmark & Martone, P.C., and files its Objections to Annual Wage Order No. 16 regarding the payment of overtime on non-regular working hours on Saturday and the payment of Saturday double-time (2x) for the occupational titles of Sheet Metal Workers, Plumbers and Pipe Fitters as detailed below.

In support of its Objections, Jarrell states as follows:

1. Jarrell is a Missouri corporation providing mechanical contracting services for commercial and industrial applications, with its principal office located in St. Louis County, Missouri. Jarrell employs individuals who work as "Sheet Metal Workers" as that term is defined at 8 CSR 30-3.060(V), individuals who work as "Plumbers" as that term is defined at 8 CSR 30-3.060(R), and individuals who work as "Pipe Fitters" as that term is defined at 8 CSR 30-3.060(T) pursuant to various collective bargaining agreements. For these reasons, Jarrell is an affected party of the determination of prevailing wage rates for Sheet Metal Workers and Plumbers and Pipe Fitters.

2. Annual Wage Order No. 16 sets the prevailing hourly wage rate at \$33.77 per hour for Sheet Metal Workers. Pursuant to Wage Order No. 16, Sheet Metal Workers are

governed by Overtime Schedule No. 32 that provides (among other things) that employees will be paid at "double (2) time" for work performed on Saturdays.

3. The correct prevailing wage for Sheet Metal Workers performing work on Saturdays is time and one-half (1 ½) for work performed in the following counties: City of St. Louis, Bollinger, Butler, Cape Girardeau, Clark, Crawford, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Knox, Lewis, Lincoln, Madison, Maries, Marion, Mississippi, Monroe, Montgomery, New Madrid, Pemiscot, Perry, Phelps, Pike, Pulaski, Ralls, Scotland, Scott, Shelby, Stoddard, St. Charles, St. Francois, Ste. Genevieve, St. Louis, Warren, Washington, and Wayne.

4. Annual Wage Order No. 16 is inaccurate, erroneous, and objectionable because the collective bargaining agreement between St. Louis Chapter, Sheet Metal and Air Conditioning Contractors National Association and Sheet Metal Workers' International Association, AFL-CIO Local No. 36 (which has been in effect from August 1, 2006 and will remain in effect through July 31, 2009) sets forth in Article 6, Sections 3(D) and 4(B) that the rate for Saturday work will be "one and one-half (1-1/2) times the regular rate". (See Exhibit A, emphasis added). Thus, the correct prevailing wage for Sheet Metal Workers performing work on Saturday should be time and one-half (1 ½) (and not double time), in accordance with the applicable collective bargaining agreement.

5. Annual Wage Order No. 16 sets the prevailing hourly wage rate at \$33.00 per hour for Plumbers and Pipe Fitters. Pursuant to Wage Order No. 16, Plumbers and Pipe Fitters are governed by Overtime Schedule No. 91 that provides (among other things) that employees will be paid at "double (2) time rate of pay" for work performed on Saturdays.

6. The correct prevailing wage for Plumbers and Pipe Fitters performing work on Saturdays is time and one-half (1 ½) for work performed in the following counties: City of St. Louis, Adair, Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Camden, Carter, Chariton, Clark, Cole, Cooper, Crawford, Dent, Dunklin, Franklin, Gasconade, Grundy, Howard, Howell, Iron, Jefferson, Knox, Lewis, Lincoln, Linn, Livingston, Macon, Madison, Maries, Marion, Mercer, Miller, Mississippi, Moniteau, Monroe, Montgomery, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Charles, St. Francois, Ste. Genevieve, St. Louis, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Sullivan, Texas, Warren, Washington, and Wayne.

7. Annual Wage Order No. 16 is inaccurate, erroneous, and objectionable because the collective bargaining agreement between Mechanical Contractors Association of Eastern Missouri Inc., Plumbing Industry Council and Plumbers and Pipe Fitters' Association Local Union No. 562 (which has been in effect since January 1, 2000 and will remain in effect through June 30, 2010) sets forth in Article 6, Section 1 that "Saturday is at the rate of time and one-half (1 ½)..." for work performed within Local 562's jurisdiction. (See Exhibit B, emphasis added). Thus, the correct prevailing wage for Plumbers and Pipe Fitters performing work on Saturday should be time and one-half (1 ½)(and not double time), in accordance with the applicable collective bargaining agreement.

8. For the foregoing reasons, Jarrell respectfully requests that the Annual Wage Order No. 16 be modified and corrected to reflect that both the Sheet Metal Workers and Plumbers and Pipe Fitters receive pay for work performed on Saturdays within their jurisdiction (as specified above) at the rate of time and one-half (1 ½) pursuant to the collective bargaining

agreements currently in effect, and not double (2) time as currently reflected in Annual Wage Order No. 16.

Respectfully submitted,

BOBROFF, HESSE, LINDMARK
& MARTONE, P.C.

By: 

Michael J. Bobroff, # 19307
Andrew J. Martone, #37382
1650 Des Peres Road, Suite 200
St. Louis, Missouri 63131
(314) 862-0300 (phone)
(314) 862-7010 (facsimile)

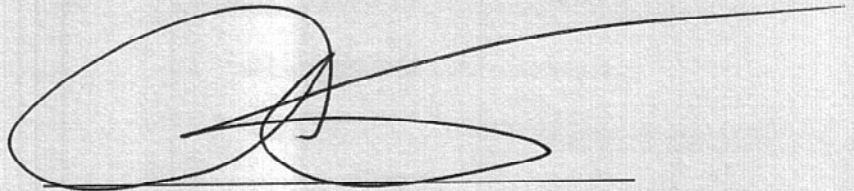
Attorneys for Objector
Charles E. Jarrell Contracting Co., Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Objections to Annual Wage Order No. 16 was sent via Federal Express overnight delivery on this 7th day of April, 2009 to the following:

Ms. Pamela Hoffman, Secretary
Labor and Industrial Relations Commission
3315 West Truman Boulevard
Room 214
Jefferson City, MO 65109
(In triplicate)

Division of Labor Standards
3315 West Truman Boulevard
Room 205
Jefferson City, MO 65109

A handwritten signature in black ink, consisting of a large, stylized 'P' followed by a horizontal line extending to the right.